

**Ordinance No. 2842**  
**CITY OF CONCORD**

---

*In the year of our Lord two thousand and eleven*

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, and Article 28-4, Development Design Standards.

**The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-2(a), Establishment of Districts, by adding the Highway Commercial (CH) District as a new Base District.

**SECTION II:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-2(b), Purposes of the Established Districts, by adding the following new subsection:

(18) The Highway Commercial (CH) District is established to provide for a mixture of uses including retail, office, restaurant, and service uses, as well as motor vehicle sales and repair uses, serving a city-wide or regional market, located along arterial and collector roads and in proximity to limited access highways, and with municipal utility services fully available. Appearances from the street, and buffering and screening for adjacent neighborhoods are of concern for development in this District.

**SECTION III:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-3(a), The Zoning Base District Map, by converting an existing General Commercial (CG) District to a Highway Commercial (CH) District, inclusive of the land which is located on both sides of Manchester Street between the easterly end of Black Hill Road to the easterly property line of Tax Lot 110E-4-11, just easterly of Airport Road,.

**SECTION IV:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Table of Principal Uses, by adding to said Table the Highway Commercial (CH) District with Principal Uses allowed by right, by Conditional Use Permit, or by Special Exception, as follows:

Principal Uses allowed by right in the CH District

- |      |   |
|------|---|
| B-13 | Private membership fraternal and social organization or club  |
| C-1  | Concert halls or indoor theaters  |
| C-2  | Dance or music school or studio   |
| C-3  | Commercial indoor recreational facility including bowling alleys, billiards halls, and similar uses |

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|      |  |
|------|--|
| C-4  | Privately owned indoor health and fitness center   |
| D-1  | Service uses occupying up to 5,000 square feet of gross floor area   |
| D-2  | Service uses occupying more than 5,000 square feet of gross floor area   |
| E-3  | Offices of healthcare practitioners including clinics and outpatient healthcare  |
| E-4  | Medical and dental laboratories  |
| F-1  | Banking, and general business, financial, professional, and governmental offices   |
| F-2  | Expansion of an existing office use  |
| G-1  | Hotels or motels   |
| G-2  | Inn  |
| H-1  | Sales of goods and merchandise within an establishment occupying up to 5,000 square feet of gross floor area with no   |
| H-2  | Sales of goods and merchandise within an establishment occupying between 5,000 and 75,000 square feet of gross floor area with no outside storage of inventory |
| H-3  | Sales of goods and merchandise within an establishment occupying in excess of 75,000 square feet of gross floor area with no outside storage of inventory      |
| H-5  | Sales of garden supplies   |
| H-6  | Sexually oriented business   |
| H-7  | Garden Center  |
| I-1  | Restaurant occupying up to 5,000 square feet of gross floor area with no drive-through service or entertainment  |
| I-2  | Restaurant with no drive-through service and with or without entertainment   |
| I-3  | Restaurant with drive-through service  |
| J-1  | Sale or rental of motor vehicles, other than construction equipment,   |
| J-2  | Sale or rental of recreational equipment   |
| J-4  | Automotive repair, service, and towing, excluding body work  |
| J-7  | Carwashes  |
| J-8  | Sale and installation of parts and accessories including tires, mufflers, and glass  |
| K-1  | Public or commercial parking lot   |
| K-3  | Bus, taxi, or railroad passenger station   |
| K-10 | Radio or TV stations and studios; telecommunications buildings   |
| K-12 | Municipal and other governmental and public works facilities   |
| M-9  | Veterinary hospital  |

Principal Uses allowed by Conditional Use Permit in the CH District

|     |                          |
|-----|--------------------------|
| D-3 | Mortuary or funeral home |
|-----|--------------------------|

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|---|--|
| H-4<br>I-5<br>I-6<br>J-9<br>J-11<br>M-8 | Sales of construction materials and similar goods requiring extensive outside storage or display of inventory as part of the principal use<br>Automotive repair, service, and towing, including body work<br>Retail sale of gasoline<br>Wireless telecommunications equipment<br>Essential public utilities and appurtenances<br>Commercial Kennel |
|---|--|

**SECTION V:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(k), Table of Accessory Uses, by adding to said Table the Highway Commercial (CH) District with Accessory Uses allowed by right, by Conditional Use Permit, or by Special Exception, as follows:

Accessory Uses allowed by right in the CH District:

- |   |  |
|---|--|
| B-1<br>B-2<br>B-3<br>B-4<br>B-6<br>C-1<br>C-2 | Child day care facility<br>Parking lot<br>Parking structure<br>Outdoor recreation facilities including swimming pools, athletic fields, basketball and tennis courts<br>Outside display and sales of merchandise accessory to a principal retail use<br>Signs<br>Wall, fence, or other screening |
|---|--|

Accessory Uses allowed by Conditional Use Permit in the CH District:

- |     |  |
|-----|--|
| B-7 | Outside storage of materials and inventory |
|-----|--|

Accessory Uses allowed by Special Exception in the CH District:

- |     |  |
|-----|--|
| B-5 | Dwelling unit for resident caretaker or security personnel |
|-----|--|

**SECTION VI:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, Section 28-4-1(h), Table of Dimensional Regulations, by adding to said Table the Highway Commercial (CH) District, with the following dimensional standards:

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| TABLE OF DIMENSIONAL REGULATIONS |                  |                |                      |                           |        |        |                      |                |
|----------------------------------|------------------|----------------|----------------------|---------------------------|--------|--------|----------------------|----------------|
| Base District                    | Minimum Lot Size |                | Minimum Lot Frontage | Minimum Yard Requirements |        |        | Maximum Lot Coverage | Maximum Height |
|                                  | Total Area       | Buildable Land |                      | Front                     | Rear   | Side   |                      |                |
|                                  | (sq.ft.)         | (sq. ft.)      |                      | (feet)                    | (feet) | (feet) | (%)                  | (feet)         |
| CH                               | 40,000           | 20,000         | 200                  | 50                        | 30     | 25     | 80                   | 45             |

**SECTION VII:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-2(b), Purposes of the Established Districts, by revising the purpose statement for the General Commercial (CG) District, as follows:

(8) The General Commercial (CG) District is established to provide for a mixture of retail, restaurant, ~~and~~ service uses, *and high density residential uses*, serving a city-wide or regional market and which require access from arterial streets and proximity to limited access highways. Appearances from the street, and buffering and screening for adjacent neighborhoods are of concern for development in this District.

**SECTION VIII:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-2, Zoning Districts and Allowable Uses, Section 28-2-4(j), Table of Principal Uses, by changing the status of permissibility of the following Principal Uses for the General Commercial District:

Principal Uses to be changed from a status of not being allowed to being allowed by right in the General Commercial (CG) District:

- A-3 Attached dwellings
- A-4 Multi-family dwellings
- A-10 Multi-family dwelling units for the elderly including congregate dwelling units
- A-14 Conversion of a non-residential building to accommodate one (1) or more dwelling unit

Principal Uses to be changed from a status of being allowed by right or by Conditional Use Permit to not being permitted in the General Commercial (CG) District:

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- J-1 Sale or rental of motor vehicles, other than construction equipment,
- J-2 Sale or rental of recreational equipment
- H-4 Sales of construction materials and similar goods requiring extensive outside storage or display of inventory as part of the principal use
- I-5 Automotive repair, service, and towing, including body work

**SECTION IX:** Amend the CODE OF ORDINANCES, Title IV, Zoning Code; Chapter 28, Zoning Ordinance; Article 28-4, Development Design Standards, Section 28-4-2 (b), Buffer Width Standards, and Section 28-2-4(c), Increased Yard Setback Standards, by adding the phrase, “& CH”, after “CG” where it appears in the Base District column of the tables that are contained in these two sections and which are entitled respectively, “Buffer Width Standards for Non-residential Uses in Non-residential Districts”, and “Yard Setback Standards for Non-residential Uses in Non-residential Districts”.

**SECTION X:** This Ordinance shall take effect upon its passage.

*In City Council*  
August 8, 2011  
*Passed*